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REQUEST FOR DECISION

SUBMITTED BY:	Nick Brown, Manager of Planning and Development / Development Officer
DATE:	February 12, 2024
SUBJECT:	Neighbourhood Commercial (C7) Zone and Special Commercial (C8) Zone amendments (Part 1) – Planning Hearing Report

ORIGIN

This report originates from Council discussions on January 23, 2023, regarding the Special Commercial (C8) Zone and Neighbourhood Commercial (C7) Zone (Document # 20-158B), as well as previous discussions on October 3, 2022, related to staff exploring alternatives to the restrictive development permissions of the Special Commercial (C8) Zone, based on input from landowners and staff. An Initiation Report was brought to Council on May 8, 2023 (Document #20-158D).

This staff-initiated application has been separated into two parts. Part 1 is to complete map amendments to the Municipal Planning Strategy (MPS) and/or Land Use By-law (LUB) to redesignate and rezone three (3) of the C8 zoned properties to the C7 Zone, rezone a 4th C8 zoned property to the C7 Zone, and text amendments to the MPS and LUB to provide more opportunities for neighbourhood commercial uses in the C7 Zone. Additionally, a 5th property would see a redesignation from Low Density Residential to Comprehensive Residential and a rezoning from the Special Commercial (C8) Zone to the Comprehensive Residential (R3) Zone.

Part 2 is to complete map amendments to the Municipal Planning Strategy (MPS) and/or Land Use By-law (LUB) to redesignate and/or rezone the remaining C8 Zone properties.

RECOMMENDATION

It is recommended that Town Council for the Town of Bridgewater give second and final consideration to the amendments to the Municipal Planning Strategy and Land Use By-law as contained in Appendix A.

BACKGROUND

The Planning Analysis Report was received at the January 15, 2024, regular meeting of Council at which time Council for the Town of Bridgewater gave First Reading to the Municipal Planning Strategy and Land Use By-law amendments and set a date for the Public Hearing on February 12, 2024. Notice of the Public Hearing was published in the local newspaper, the South Shore Breaker, for two consecutive weeks, January 24, 2024, and January 31, 2024, as required under Section 206 of the Municipal Government Act which states:

- (1) Prior to holding a public hearing required pursuant to this Part, the clerk shall give notice of the public hearing in a newspaper, circulating in the municipality, inserted at least once a week, for two successive weeks.

(2) The first notice of the public hearing shall be published at least fourteen days before the date of the public hearing.

In accordance with Section 208 of the Municipal Government Act, amendments to the MPS are subject to review by the Provincial Director of Planning to determine if the planning documents: appear to affect a provincial interest; may not be reasonably consistent with an applicable statement of provincial interest; appear to conflict with the law; or may conflict with the provincial subdivision regulations.

In addition to the Town's policies within the planning documents, consideration of the proposed amendments must be given to their consistency with the provincial requirements of the Statements of Provincial Interest, Schedule B of the Municipal Government Act (MGA) related to drinking water, agricultural land, housing, infrastructure and flood risk. Staff have reviewed these policies in conjunction with the proposed text amendments and are confident that they meet the test of consistency with the Statements of Provincial Interest.

All statutory requirements pursuant to the Municipal Government Act have been met, as follows:

May 8, 2023	Application initiated by the Community Development Department
October 6, 2023	Notification to property owners within 30m (100ft) of subject property re: PPM
October 11, 2023	Notification in the newspaper of proposed amendments and public meeting date/time
October 18, 2023	Public participation meeting (PPM)
January 15, 2024	Planning analysis and PPM report submitted to Council. Council gives first consideration and schedules a public hearing
January 24, 2024	First public notice re: public hearing appears in the South Shore Breaker
January 31, 2024	Second public notice re: public hearing appears in the South Shore Breaker
February 12, 2024	Public hearing and final consideration of proposed amendments

DISCUSSION

The Planning Analysis report (Document# 24-008) provides discussion regarding the proposed Municipal Planning Strategy and Land Use By-law amendments.

IMPLICATIONS

Financial/Budget

There are no anticipated financial/budget implications.

Legal

There is a 14-day appeal period to the Utility and Review Board, commencing with the date of publication in the South Shore Breaker a notice of Council's intention to enter into this development agreement.

Strategic Priorities / Work Program

Land use and development control is the core function of the Community Development Department.
Municipal Planning Strategy
Land Use By-law

OPTIONS

1. To give second and final consideration to the proposed amendments to the Municipal Planning Strategy and Land Use By-law as contained in Appendix A.
2. To deny the proposed amendments to the Municipal Planning Strategy and Land Use By-law as contained in Appendix A.
3. To defer a decision and request additional information from staff.

COMMUNICATONS

A Public Participation Meeting was held on October 18, 2023, per the requirement of Section 205(4) of the Municipal Government Act. Comments could be submitted to the Community Development Department separate from the meeting and none were received.

A Public Hearing is required by the Municipal Government Act, Section 230 (2), after Council gives first consideration to the proposed amendments. As per Section 208 of the Municipal Government Act, amendments to the MPS, and concurrent amendments to the LUB, are subject to review by the Provincial Director of Planning, after which a notice is placed in the paper and the amendments become effective.

Appendix A

Town of Bridgewater By-law

Title: Amendments to the Municipal Planning Strategy and Land Use By-law By-law (2024)

Legislative authority: Municipal Government Act, Section 205

Be it enacted by the Council of the Town of Bridgewater, under the authority of Section 205 of the *Municipal Government Act*, as follows:

This By-law is titled Amendments to the Municipal Planning Strategy and Land Use By-law By-law (2024)

Part 1 Amendments to the Municipal Planning Strategy (2014)

Purpose

The purpose of these amendments is to amend the Neighbourhood Commercial (C7) Zone to provide more opportunities for neighbourhood commercial uses in the C7 Zone.

Policy G-11 in Section 4 General Development of the Municipal Planning Strategy is amended by adding “and the Neighbourhood Commercial (C7) Zone” immediately before “in accordance with the Land Use By-law.”

Policy G-17 in Section 4 General Development of the Municipal Planning Strategy is amended by adding “Neighbourhood Commercial (C7) Zone, and Restricted Commercial (C6) Zone” immediately before “where this shall be required.”

Section 6.5.2 Neighbourhood Commercial (C7) Zone of the Municipal Planning Strategy is amended by striking “On a going-forward basis, this zone shall be applied to strategic corner lots in Bridgewater where two arterial and/or collector roads intersect, or where an arterial and/or collector road intersects with the Centennial Trail. All nonresidential development in the Neighbourhood Commercial (C7) Zone shall be permitted by site plan approval, or considered by development agreement, to ensure context sensitivity and quality design.”

Policy C-50 in Section 6.5 Limited Commercial Designations of the Municipal Planning Strategy is amended by:

Striking “Individual convenience” in *subclause a* immediately before “retail, in accordance with the criteria outlined in the Land Use By-law”;

Striking “individual” in *subclause b* immediately before “neighbourhood grocery stores”;

Striking *subclause c* in its entirety immediately after *subclause b* as follows: “c. Individual office uses in accordance with the criteria outlined in the Land Use Bylaw”;

Replacing “d.” in *subclause d* with “c.” immediately before “Individual personal service shops” to change it to *subclause c*;

Striking “Individual” in *subclause d*, now *subclause c*, immediately before “personal service shops”;

Striking “.” in *subclause d*, now *subclause c*, immediately after “in accordance with the criteria outlined in the Land Use By-law” and replacing it with “;”; and

Adding *subclause d* “d) Change of use to any of the following uses.

- i. Clinics
- ii. Craft workshops
- iii. Dog grooming
- iv. Dressmaking and tailoring
- v. Galleries
- vi. Studios”

immediately after *subclause d*, now *subclause c*, as follows “c) Personal service shops, in accordance with the criteria outlined in the Land Use By-law”; and

Adding *subclause e* “e) Cafés with no outdoor commercial space, drive through facility, or drive-in facility, in accordance with the criteria outlined in the Land Use By-law.” immediately after *subclause d* as follows “d) Change of use to any of the following uses:

- i. Clinics
- ii. Craft workshops
- iii. Dog grooming
- iv. Dressmaking and tailoring
- v. Galleries
- vi. Studios”

Section 6.5 Limited Commercial Designations of the Municipal Planning Strategy is amended by striking Policy C-52 and Policy C-53 in their entirety.

Policy CDA-3 in Section 6.6 Commercial Development Agreement Policies of the Municipal Planning Strategy is amended by:

Striking *subclauses a, b, c, and d* in their entirety immediately before *subclause e* as follows “e) For the site formed by PID Nos. 60592342 and 60592359, the development consists of mixed-use buildings, or single use buildings with a maximum of 4 dwelling units and a maximum of 350 m² for commercial purpose in any individual building”;

Striking “e)” in *subclause e* and replacing it with “a)” immediately before “For the site formed by PID Nos 60592342 and 60592359” to change it to *subclause a*;

Striking “and” in *subclause e*, now *subclause a*, immediately after “for commercial purpose in any individual building;”; and

Adding *subclause b* immediately after *subclause e*, now *subclause a*, as follows “The development is in accordance with Policy IM-6.”

Part 2 Amendments to the Land Use By-law (2014)

Purpose

The purpose of these amendments is to amend the Neighbourhood Commercial (C7) Zone to provide more opportunities for neighbourhood commercial uses in the C7 Zone.

Section 3.1.27 Fencing of the Land Use By-law is amended by adding “Neighbourhood Commercial (C7)” and “Special Commercial (C8)” to the first column of Table D immediately after “Res. Commercial (C6)”.

Section 3.2.3 Minimum Parking Requirements of the Land Use By-law is amended by:

Adding “and the Neighbourhood Commercial (C7) Zone” to *subclause c* immediately after “c. Notwithstanding Sections 3.2.3.a and 3.2.3.b, minimum parking requirements shall be waived in the Historic Downtown Commercial (C1) Zone”; and

Adding “and in the Historic Downtown Commercial (C1) Zone” to *subclause c* immediately before “all bicycle parking spaces for the residential component shall be provided inside the main building.”

Section 3.2.5 Design Standards for Vehicular Parking Areas of the Land Use By-law is amended by:

Striking “and” in *subclause v of subclause b* immediately after “v. Historic Downtown Commercial (C1) Zone” and replacing it with “,”;

Adding “, and the Neighbourhood Commercial (C7) Zone” to *subclause v in subclause b* immediately after “v. Historic Downtown Commercial (C1) Zone, Restricted Commercial (C6) Zone”;

Adding “and the flankage yard” to *subclause a of subclause v of subclause b* immediately after “a. Parking areas shall be prohibited in the front yard”; and

Adding “and flankage yard” to *subclause a of subclause v of subclause b* immediately after “parking areas shall be discouraged in the front yard”.

Section 5.8.3 Developments by Site Plan Approval of the Land Use By-law is amended by:

Striking “Individual” from *subclause a* immediately after “neighbourhood grocery & convenience stores up to a maximum of 200m² (2,153ft²) in gross floor area”;

Striking *subclause b* in its entirety immediately after *subclause a* as follows “Neighbourhood grocery & convenience stores up to a maximum of 200m² (2,153ft²) in gross floor area;”

Adding *subclause b* “b. The following developments:

- i. Clinics
- ii. Craft workshops
- iii. Dog grooming
- iv. Dressmaking and tailoring
- v. Galleries
- vi. Studios”

immediately before *subclause c* as follows: “Individual personal service shops up to a maximum of 200m² (2,153ft²) in gross floor area”;

Striking “Individual” from *subclause c*, immediately before “personal service shops up to a maximum of 200m² (2,153ft²) in gross floor area”;

Striking “and” from *subclause c* immediately before “personal service shops up to a maximum of 200m² (2,153ft²) in gross floor area;”;

Striking “.” from *subclause d* immediately after “is used for commercial purposes” and replacing it with “,”;

Adding *subclause e* immediately after *subclause d* as follows “Cafés to a maximum of 200 m² (2,153ft²), excluding drive-in and drive-through, with no outdoor commercial space; and”;

Adding *subclause f* immediately after *subclause e* as follows “Retail to a maximum of 200 m² (2,153ft²).”

Section 5.8.4 Developments by Development Agreement of the Land Use By-law is amended by striking *subclauses a, b, c, and d* immediately before *subclause e* as follows “Multi-unit residential development up to four units where a minimum of 70% of the gross ground floor area, up to a maximum of 350m² (3,767ft²) is used for commercial purposes in accordance with MPS Policy CDA-3.”

Section 5.8.5 Zoning Standards of the Land Use By-law is amended by:

Striking “4m (13ft)” in the second column of the table immediately below “C7 Neighbourhood Commercial Zone” and immediately to the right of “Minimum front yard” and replacing it with “0m (0ft)”; and

Striking “3m (10ft)” in the second column of the table immediately below “C7 Neighbourhood Commercial Zone” and immediately to the right of “Minimum flankage yard” and replacing it with “0m (0ft)”.

Section 11 Definitions of the Land Use By-law is amended by:

Adding “Café | a building or part thereof primarily serving coffee or tea and may also serve light meals, sandwiches and/or desserts. The definition of “restaurant” includes café.” to the alphabetic list; and

Adding ““Café” is included within the definition of restaurant.” to the definition of Restaurant immediately after “or for take-out including a drive through or drive in facility or delivery.”

PUBLIC PARTICIPATION MEETING conducted on:

October 18, 2023

FIRST READING conducted on:

January 15, 2024

PUBLIC HEARING conducted on:

February 12, 2024

SECOND & FINAL READING conducted on:

February 12, 2024